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### Reality for Realists

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## **review symposium: strangers in our midst**

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### **Reality for realists: Why economic migrants should not just ‘Go home and wait for assistance’<sup>1</sup>**

David Miller’s book, *Strangers in Our Midst: The Political Philosophy of Immigration* covers an impressive range of topics. In these comments, I wish to address just one of them: the rights of economic migrants. The conventional view holds that economic migrants are importantly distinct from refugees. While refugees are entitled to claim asylum, economic migrants can justifiably be returned. Miller defends this conventional view. His defence makes use of what we might call the ‘Potentiality Response’: the claim that what distinguishes economic migrants from refugees is that the former can be assisted in their country of origin. In these comments, I argue that the Potentiality Response fails. When it comes to the rights of economic migrants, it is reality, not potentiality that matters.

#### **Realism**

Before exploring the Potentiality Response, it is worth noting Miller’s methodological positioning. Miller describes himself as a realist. By this he means that he is interested in what should be done here and now, given certain established facts about the real world. Miller’s examples include the state system and the presence of distributive injustice (17). One can imagine a world without states and one can imagine a world without distributive injustice, but neither world is likely any time soon. A realist approach asks what we should do in a world in which there are states and there is distributive injustice.

The realism that Miller defends is thus one that is sensitive to empirical evidence from the social sciences. It uses such evidence to determine the facts about the real world it must accommodate. It is not a form of realism that eschews moral arguments nor assumes that what is morally the case must be something similar to current policy.<sup>2</sup> Miller’s realism allows for a radical critique of the status quo. The fact that Miller provides no such critique is a result of his substantive arguments, not his methodology.

#### **The Potentiality Response**

The distinction between economic migrants and refugees is central to how people standardly think about migration. States are generally thought to have a right to control their borders; it is up to individual states to decide whom they admit and exclude. Refugees represent an exception to that general rule. Under international law, refugees are people fleeing persecution. They have a right to asylum. People fleeing extreme poverty, by contrast, have no such right. They are labelled economic migrants and judged legitimate targets for exclusion. Since there are vastly more people living in extreme poverty than refugees, the distinction between the two is critical to limiting exceptions to state discretion.

The problem with the conventional view, however, is that the strongest argument for admitting refugees also works as an argument for admitting desperately poor economic migrants. The argument is from need. Refugees are people in desperate need and are owed

asylum on this basis. Yet people living in extreme poverty are also in desperate need. If need is our ethical concern, then there seems no moral basis for the distinction.

Confronting this problem, Miller offers a new refugee definition. He recognises that there are other sources of need, besides persecution, from which people have reason to flee. He thus defines refugees as ‘people whose human rights cannot be protected except by moving across a border, whether the reason is state persecution, state incapacity, or prolonged natural disasters’ (83). But Miller does not abandon the distinction between refugees and economic migrants. The phrase ‘cannot be’ is crucial. Miller suppose that while refugees cannot be protected at home, most desperately poor economic migrants could have their needs fulfilled by way of international aid (82). This is Miller’s Potentiality Response. What should we make of it?

### **Why reality matters**

We need to distinguish two questions: the *conceptual question* of how we define refugees and the *normative question* of whether we can justify treating other migrants differently to how we treat refugees. The Potentiality Response seems plausible in relation to the conceptual question. It may well be useful to have a word to identify people whose rights cannot be satisfied in their country of origin. Perhaps ‘refugee’ is a good word to use. What is implausible is that the Potentiality Response answers the normative question. The fact that a person in desperate need *could be* assisted elsewhere provides no justification for excluding them unless they are *actually* assisted.

Consider an analogy with healthcare. Two kinds of patient routinely turn up at hospital: those whose ailments could be treated at home and those who require hospital admission. The distinction may be conceptually important and we might want to mark it by choosing different terms for each. Nevertheless, the distinction is not normatively important unless those patients whose ailments could be treated at home actually are treated at home. A healthcare system that fails to provide adequate home visits cannot justify excluding desperately sick patients from hospital on the basis that they could potentially be treated at home. Potentiality may bear on the conceptual question, but, when it comes to the normative question, it is reality that counts.

Miller’s book fails to distinguish between the two questions. Chapter 5 on refugees focusses on the conceptual question, deploying the Potentiality Response to explain why economic migrants are not refugees (80). But later Miller writes as if he has answered the normative question. Chapter 6 on economic migrants opens with the claim that he has already shown that ‘economic migrants cannot claim admission as a matter of justice’ (95). He has done no such thing. All he has provided is an argument for why it might make conceptual sense to distinguish between refugees, as he defines them, and those who could be assisted *in situ*. Yet, as long as desperately poor economic migrants are not assisted *in situ*, they have just as strong a claim for admission as similarly needy refugees.

Indeed, at times, Miller himself seems to recognise the inadequacy of the Potentiality Response. In a postscript on the European migration crisis, he considers the situation of people living in an ‘underfunded refugee camp’ and writes that, for them, ‘the relevant question is whether the resources they need to lead decent lives ... will *in fact* be provided so long as they remain where they are’ not whether they ‘*could be*’ provided (168). Miller admits that these camp dwellers have ‘very strong reasons for moving’, and that their case throws the distinction between refugees and economic migrants into question. Yet Miller offers no solution. A few pages on and we find him insisting that camp dwellers (and, by extension, desperately poor people) are not owed the same treatment as refugees. Why not? States must be able to ‘set priorities’ when deciding who to admit (170). In other words,

despite his own objections, Miller reverts back to the Potentiality Response. Camp dwellers and the desperately poor are owed less because they *could be* assisted elsewhere.<sup>3</sup>

Now one could of course simply switch focus from the real world to a more ideal world in which effective assistance is ready and forthcoming. In this more ideal world, the Potentiality Response succeeds. But switching from the real to the ideal involves abandoning realism. A realist does not wish away important facts such as the lack of effective assistance. Instead, she takes seriously relevant empirical research and tries to work out what should be done in light of it. Such research informs us of two things. First, development aid will not solve global poverty any time soon. This might be because insufficient funds are put into the right kinds of aid (as aid enthusiasts argue), or it might be because development aid causes corruption and dependence (as critics contend – compare, e.g., Moyo 2009; and Riddell 2008). Extreme poverty is declining, but it will remain an acute problem not only in poor but also middle-income countries for decades to come (Sumner 2012). Second, migration tends to benefit migrants and their compatriots. Migrants in rich countries earn much higher wages and the remittances they send home constitute an important boost to source country economies.<sup>4</sup> In light of these findings, it is entirely rational for desperately poor migrants to seek to migrate to Europe, the United States and elsewhere. When they do so, they have a strong claim for admission. After all, they are in desperate need and the countries they are seeking to enter are able to accommodate many more people. In short, they are in much the same ethical position to those Miller defines as refugees.

## Conclusion

None of this is to claim that migration is ‘the solution’ to poverty any more than admitting refugees is ‘the solution’ to persecution. The point is simply that, when adequate assistance has not been provided, people who are equally in need have an equal claim for admission. It is a person’s needs that are morally salient, not whether she *could be* assisted elsewhere. A true realist approach to migration ethics yields radical implications. Under the status quo, economic migrants are admitted or excluded as states choose. A realist approach to migration ethics deems this unjust. There is nothing wrong with Miller’s methodology. The problem is that he fails to properly adopt it.

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## About the author

**Kieran Oberman** is a Lecturer in Political Theory at Edinburgh University. His publications have appeared in *APSR*, *Ethics* and *Philosophy and Public Affairs*. His research focusses on global justice, migration and war.

## Notes

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<sup>1</sup> I presented this response at an author-meets-critics session at APSA 2016. I thank the panelists, audience and the organiser, Caleb Young, for a great discussion. I also received helpful feedback at a political theory class at Leuven University, taught by Helder De Schutter and Antoon Vandavelde; Crispino Akakpo acted as commentator. Alex Sagar, Javier Hidalgo, Mollie Gerver and Lea Ypi sent me excellent written comments. Special thanks are owed to David Miller for his characteristic openness to debate and critique and for the support, encouragement and advice he has given me over many years.

<sup>2</sup> In this respect, it is different to the approach Joseph Carens (1996) labels the ‘realistic approach’.

<sup>3</sup> This, at least, is my best interpretation. In discussion at APSA 2016, Annie Stilz interpreted Miller’s postscript as a renunciation of the Potentiality Response. Replying, Miller restated the Potentiality Response and seemed to deny any tension between the postscript and earlier chapters.

<sup>4</sup> A large body of research supports this finding. One prominent global study is Adams Jr and Page (2005). For further references see Oberman (2015), where I explore these studies in some detail.